

REMARKS

Claims 11-15, 17-20, 22, 23, 25-27, and 29-34 are pending and are rejected. Claim 11 is amended. Applicants thank Examiner Watkins for the courtesy of a telephone interview on June 11, 2009 with the undersigned representative. As required, the time allowed for response and clarification of the Examiner's comments were discussed.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 11-15, 17-23, 25-27, and 29-34 are rejected under 35 U.S.C. §103(a) as obvious over Kiyomitsu JP-A 2001-059281, English abstract and PTO translation 08-3999 in view of Purnell U.S. 6,190,440 B1.

Applicants have amended claim 11 to include the previously deleted recitation that the building material has less than 3% diatomaceous earth. Applicants respectfully assert that the claims are commensurate in scope with the unexpected results submitted September 17, 2008.

Thus, Applicants respectfully assert that claims 11-15, 17-20, 22, 23, 25-27, and 29-34 are not obvious and respectfully request the rejection be withdrawn.

CONCLUSION

Applicants believe the application is in complete condition for allowance. Fees to Request Continued Examination and for the response time extension are simultaneously being paid by Electronic Funds Transfer. No other fees are believed due but, if deemed necessary, the Office is authorized to charge them to Deposit Account No. 20-0809.

The Examiner is invited to contact Applicants' undersigned representative with questions.

Respectfully submitted,

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